

plants or portions of plants which may be contained in the baggage or other belongings of such persons.

**§ 319.56-8 Territorial applicability.**

The regulations in this subpart shall apply with respect to importations into the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

**Subpart—Wheat Diseases**

**§ 319.59 Prohibitions on importation; disposal of articles refused importation.**

(a) To prevent the introduction into the United States of foreign strains of flag smut and Karnal bunt, the importation of the articles designated in § 319.59-2(a) and (b) may not be imported into the United States except as provided in § 319.59-2(c).

(b) Any article refused importation in accordance with the requirements of this subpart shall be promptly removed from the United States or destroyed as deemed necessary by an inspector at the expense of the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of injurious plant diseases (including foreign strains of flag smut) and Karnal bunt, injurious insect pests and other plant pests as an inspector determines necessary to prevent the introduction into the United States of such diseases or pests. If the article is not promptly safeguarded, removed from the United States, or destroyed as deemed necessary by an inspector at the expense of the importer, it may be seized, destroyed, or otherwise disposed of in accordance with section 414 of the Plant Protection Act (7 U.S.C. 7714).

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735 Oct. 14, 1983; 63 FR 31101, June 8, 1998; 66 FR 21056, Apr. 27, 2001]

**§ 319.59-1 Definitions.**

Terms used in the singular form in this subpart shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

*Deputy Administrator.* The Deputy Administrator of Plant Protection and

Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his/her stead has been or may hereafter be delegated.

*Disease.* The term, in addition to its common meaning, includes a disease agent which incites a disease.

*Foreign strains of flag smut.* Plant diseases caused by foreign strains of highly infective fungi, *Urocystis agropyri* (Preuss) Schroet., which attack wheat and substantially reduce its yield, and which are new to or not widely prevalent or distributed within and throughout the United States.

*From.* An article is considered to be “from” any country or locality in which it was grown.

*Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

*Karnal bunt.* A plant disease caused by the fungus *Tilletia indica* (Mitra) Mundkur.

*Person.* An individual, corporation, company, society, or association.

*Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Protection Act and related legislation, quarantines, and regulations.

*Prohibited article.* Any class of seed, plant, or other plant product specified as prohibited articles in § 319.59-2(a) or (b).

*Secretary.* The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

*Spp. (species).* All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

*United States.* The States, District of Columbia, American Samoa, Northern